

1 Chief District Judge David G. Estudillo  
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UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

9 EDWIN CHRIS NDERITU,

Case No. 3:24-cv-05595-DGE

10 Plaintiff,

STIPULATED MOTION TO HOLD  
CASE IN ABEYANCE AND ORDER

11 v.

12 ALEJANDRO MAYORKAS, *et al.*,

Noted for Consideration:  
September 25, 2024

13 Defendants.

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15 Plaintiff and Defendants, by and through their counsel of record, pursuant to Federal Rule  
16 of Civil Procedure 6 and Local Rules 7(d)(1), 10(g) and 16, hereby jointly stipulate and move to  
17 stay these proceedings until March 6, 2025. Plaintiff brought this litigation pursuant to the  
18 Administrative Procedure Act and Mandamus Act, *inter alia*, to compel U.S. Citizenship and  
19 Immigration Services (“USCIS”) to adjudicate his asylum application. Defendants’ response to  
20 the Complaint is currently due on September 30, 2024. The parties are currently working  
21 towards a resolution to this litigation. For good cause, the parties request that the Court hold the  
22 case in abeyance until March 6, 2025.

23 Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706

24 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to

1 control the disposition of the causes on its docket with economy of time and effort for itself, for  
2 counsel, and for litigants.” Landis v. N. Am. Co., 299 U.S. 248, 254 (1936); see also Fed. R.  
3 Civ. P. 1.

4 With additional time, this case may be resolved without the need of further judicial  
5 intervention. USCIS has scheduled Plaintiff’s asylum interview for November 6, 2024. USCIS  
6 agrees to diligently work towards completing the adjudications within 120 days of the interview,  
7 absent unforeseen or exceptional circumstances that would require additional time for  
8 adjudication. If the adjudication is not completed within that time, USCIS will provide a status  
9 report to the Court. Plaintiff will submit all supplemental documents and evidence, if any, to  
10 USCIS seven to ten days prior to the interview date. Plaintiff recognizes that failure to submit  
11 documents prior to the interview may require the interview to be rescheduled and the  
12 adjudication delayed. If needed, Plaintiff will bring an interpreter to the interview, otherwise the  
13 interview will need to be rescheduled and the adjudications delayed. Once the application is  
14 adjudicated, Plaintiff will dismiss the case. Accordingly, the parties request this abeyance to  
15 allow USCIS to conduct Plaintiff’s asylum interview and then process his asylum application.

16 As additional time is necessary for this to occur, the parties request that the Court hold  
17 the case in abeyance until March 6, 2025. The parties will submit a status update on or before  
18 March 6, 2025.

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STIPULATED MOTION FOR ABEYANCE  
[Case No. 3:24-cv-05595-DGE] - 2

UNITED STATES ATTORNEY  
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(253) 428-3800

1 DATED this 25th day of September, 2024.

2 Respectfully submitted,

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*Attorney for Plaintiff*

10 *Attorneys for Defendants*

11 *I certify that this memorandum contains 378  
words, in compliance with the Local Civil Rules.*

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## ORDER

2 The case is held in abeyance until March 6, 2025. The parties shall submit a joint status  
3 report on or before March 6, 2025. It is so **ORDERED**.

4 The Clerk is directed to calendar this event.

5 DATED this 26th day of September, 2024.



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DAVID G. ESTUDILLO  
United States Chief District Judge